



1Fw AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before The Patent Office Board Of Appeals

APPLICANT: F. D. Oberhaus SERIAL NO: 10/676,980 FILED: October 3, 2003 FOR: COMPONENTRY ASSEMBLED FREE-STANDING WIRE RACK	GAU: 3637 EXAMINER: S. L. Purol St. Louis, Missouri Date: September 30, 2009 DN: 7349
<p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on</p> <p>_____ _____ _____ Attorney _____ Date of Signature</p> <p><i>[Handwritten signatures]</i></p>	

Director, Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF BRIEF UPON APPEAL

Sir:

This is in response to the examiner's office action dated September 17, 2009.

Frankly, it is just not understood where the examiner is coming from with his fourth objection to the brief. For example, the summary of the claimed subject matter is just that, it provides a summarization of the various parts identified in the assembly as set forth in the independent claim 14. It identifies all of the components by their reference characters, and where these components can be found in the specification, what page, and at what line. The examiner states that the summary does not refer to the specification by page and line number, and to the drawings, if any, by reference characters. This is not true. On page 5 of the

summary, describing and summarizing claim 14, it clearly provides all of these references, as can be noted.

The examiner further states that for each independent claim involved, and for dependent claims thereof, they should be argued separately. This is currently set forth in the argument. Basically, the argument sets forth the reason why independent claim 14 is allowable, over the prior art. It really does not argue the dependent claims, except in the final catchall paragraph. And, the argument has been highlighted with the fact that it is claim 14 primarily being presented for argument.

The examiner further states that every means plus function and step plus function must be identified. There are no means plus function in any of the claims of this application.

Furthermore, the examiner states that if there is means plus function set forth in the claims, then there must be identification of the structure, material, or acts described in the specification that correspond to each of the claimed function. There is none of this in the claims under appeal.

Applicant does not understand what the examiner means that an independent claim itself must be mapped to the specification. If the examiner means that the summary of the claimed subject matter, for claim 14, must be so called mapped, in view of the specification, this has already been done so. The summary of the claimed subject matter identifies every element in claim 14, and does it by its reference character, and page number and line number in the specification, as can be seen. This is the same with respect to any limitations in the claims, since claim 14 defines a componentry assembled free standing rack, which is set forth in the summary, having a pair of end frames, which is set forth in the summary on page 5, with each end frames incorporating at least one cross rod, that is set forth in the summary, a shelving provided for inserting partially into the end frames, that shelving is identified by reference number, and page and line number in the specification, and then each shelving being exerted within an end frame by pressure biasing downwardly, this is set forth in the summary, and

that each end frame is provided with space vertical rods, these are identified in the claim 14 summary, and then incorporating cross rods connected between the vertical rods. This cross rod is the rod element number 5, as can be noted. Thus, certainly the components of claims 14, have been mapped to the specification, with each component being identified with a reference character, and a page and line number in the specification where they appear. It is not known how the applicant can provide any further clarity to this brief, than what has already been done.

The examiner's further review of this matter would be appreciated.

Respectfully submitted,



Paul M. Denk
Attorney for Applicant
Pat. Off. Reg. No. 22,598
763 South New Ballas Road, Ste. 170
St. Louis, Missouri 63141
(314) 872-8136

PMD/jk